

1 THE PUBLIC UTILITIES COMMISSION OF OHIO
2 IN THE MATTER OF A REQUEST
3 BY THE AUGLAIZE COUNTY
4 ENGINEER FOR AN EXEMPTION CASE NO. 24-233-RR-RCP
5 FROM STOPPING FOR SCHOOL BUSES
6 AND HAZARDOUS MATERIAL VEHICLES
7 FOR RAILROAD CROSSING IN
8 ST. MARYS TOWNSHIP,
9 AUGLAIZE COUNTY, OHIO

10 * * *

11 TRANSCRIPT OF PROCEEDINGS

12 * * *

13 DATE OF HEARING: Friday, May 31, 2024
Beginning at 1:01 o'clock p.m.

14
15 PLACE OF HEARING: St. Marys Community Public
Library
140 South Chestnut Street
16 St. Marys, Ohio 45885

17 HEARING OFFICER: Jason Tonn

18 * * *

19 ALSO PRESENT:

20 Allen Imwalle, St. Marys Township Trustee
21 Ron Sudman, St. Marys Township Fiscal Officer
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1 HEARING OFFICER TONN: So good
 2 afternoon. Thank you for being here today. This
 3 is the public hearing for Case No. 24-233-RR-RCP.
 4 The case concerns an application filed by the
 5 St. Marys Township trustees asking the Public
 6 Utilities Commission of Ohio to grant an exemption
 7 to the law requiring school buses and hazardous
 8 cargo carriers to stop at three railroad crossings
 9 in the township. Specifically, the three railroad
 10 crossings subject to the application are located
 11 at Clover Four Road, Southland Road, and Waesch
 12 Road.
 13 My name is Jason Tonn and I'm an
 14 administrative law judge for the PUCO. I have
 15 been assigned to gather and consider the evidence
 16 and opinions concerning the application and then
 17 to prepare a proposed written opinion for the
 18 commissioners of the PUCO for their consideration.
 19 Ultimately, it is the commissioners who will make
 20 the decision as to whether or not to grant the
 21 application.
 22 To begin today's hearing, I will
 23 place each person who wishes to testify under
 24 oath. You may then -- I wrote stand but you can
 25 go ahead and keep seated at this point. Speak one

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1 at a time to provide your testimony. Please start
 2 by saying your name and your position, your
 3 relationship to the case and -- we're going to
 4 address all three railroad crossings collectively
 5 unless there's a reason to discuss one
 6 individually. If you feel that we need to do
 7 that, then just make that clear in your comments.
 8 And then once the testimony is done, we will
 9 adjourn the meeting. Do you have any questions
 10 for me before we proceed with testimony?
 11 MR. IMWALLE: No.
 12 HEARING OFFICER TONN: Great. Let me
 13 then go ahead and have you both raise your right
 14 hand.
 15 (Thereupon, the witnesses were
 16 sworn.)
 17 HEARING OFFICER TONN: We'll note
 18 that this proceeding is being recorded by the
 19 court reporter who's present today. Which of you
 20 gentlemen would like to go first? Okay. Go ahead
 21 and start with your name.
 22 MR. IMWALLE: My name is Allen
 23 Imwalle. I'm a St. Marys Township trustee. I am
 24 here to represent the township asking for
 25 exemption on the three railroad crossings on that

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1 Clover Four Road, the other one at Southland Road,
 2 the other one at Waesch Road. I believe since the
 3 track is no longer in service and three other
 4 entities already have exemptions, and that is the
 5 Village of New Bremen, the Village of Minster, and
 6 the Auglaize County engineer, they all three have
 7 exemptions on the same -- same line.
 8 Also, I think it would be a safety
 9 improvement for the school buses. They don't have
 10 to stop. They don't have to worry about cars
 11 passing them, hitting them. Other than that,
 12 that -- that's it so -- I appreciate you guys
 13 giving us the opportunity to -- to speak here. I
 14 think it's very important that we get this done.
 15 So thank you very much.
 16 HEARING OFFICER TONN: How extensive
 17 is this -- this line, this rail line?
 18 MR. IMWALLE: It was at one time used
 19 when Pre -- Precision Strip in Minster used
 20 their -- their steel coils, but they no longer
 21 have that service. As a matter of fact, they
 22 pulled their lines out.
 23 Minster Machine had their line going
 24 through the factory. They pulled their line out.
 25 There's also a bridge in St. Marys Township that

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1 is no longer safe. So for them to even start the
 2 line back up, they have to put a brand new bridge
 3 in, and I don't see that -- that happening.
 4 There's no -- this line is no good to
 5 St. Marys because it's on the other side. So it
 6 only benefits Bremen and Minster, and they both
 7 have exemptions -- exemptions. So we're just
 8 following suit.
 9 HEARING OFFICER TONN: So is it
 10 correct then your opinion is with those businesses
 11 not operating now, then that's why this line is
 12 not being used?
 13 MR. IMWALLE: Yes.
 14 HEARING OFFICER TONN: And there's
 15 no --
 16 MR. IMWALLE: And it's not safe.
 17 HEARING OFFICER TONN: And there's --
 18 right. And there's no plan that you know of in
 19 the near future that these are going to be kicked
 20 back in -- these businesses are going to start
 21 back up?
 22 MR. SUDMAN: They just went to
 23 trucking instead of the rail. They're not even
 24 using the rails anymore. It was like you said,
 25 unsafe.

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1 MR. IMWALLE: There hasn't been a
 2 train down there for two or three years.
 3 HEARING OFFICER TONN: Okay.
 4 MR. IMWALLE: It's not like it's just
 5 now but it hasn't been used so --
 6 HEARING OFFICER TONN: So,
 7 Mr. Imwalle, do you have any other --
 8 MR. IMWALLE: No.
 9 HEARING OFFICER TONN: -- anything
 10 else you'd like to add?
 11 MR. IMWALLE: That's it. Thanks for
 12 the opportunity to speak.
 13 HEARING OFFICER TONN: Mr. Sudman --
 14 MR. SUDMAN: I don't think I have
 15 anything to add. I think Allen did a great job
 16 explaining the township's needs, necessities, and
 17 safety issues need to be addressed.
 18 HEARING OFFICER TONN: Have you -- --
 19 have you received -- have the school spoken to you
 20 about -- about this or is that who prompted the
 21 idea of getting the exemption or --
 22 MR. IMWALLE: We went to the county
 23 engineer a couple years ago and asked them for it,
 24 and I don't know if the school did at that time
 25 too. At that time they were -- they were working

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1 on their exemptions, and they just got theirs, I
 2 think, a year ago. Don't quote me on that. And
 3 he said just to get ours done first and we'll
 4 start work on the township. I think the county
 5 engineer's sending you a letter asking for the
 6 township to -- actually, I got it here.
 7 HEARING OFFICER TONN: I think I
 8 received actually a clip of that this morning. I
 9 did see that.
 10 MR. IMWALLE: So the county thinks
 11 it's a good thing too so --
 12 HEARING OFFICER TONN: Mm-hmm. I'm
 13 sorry, Miss Kimmel, we're kind of doing this as a
 14 discussion instead of as a -- as testimony. I
 15 hope that hasn't confused you too much.
 16 I really can't think of any other
 17 questions to -- questions to ask. As you know, we
 18 have done a -- PUCO has done a study and our staff
 19 has put in a written report on their findings. So
 20 that will be part of the consideration.
 21 And I'll take into account your
 22 testimonies and various written things that I've
 23 received, then prepare my written report for the
 24 commissioners.
 25 MR. IMWALLE: I know the county -- we

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1 lived for a while away -- we live on a farm a
 2 quarter a mile away from the track. 66A is a
 3 county road and they already have their exempt
 4 signs up. So we'd like to follow suit.
 5 HEARING OFFICER TONN: Right. I
 6 understand that. Okay. Well, with that, then I
 7 will formally adjourn the hearing.
 8 (Thereupon, the hearing was concluded
 9 at 1:09 o'clock p.m.)
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1 STATE OF OHIO)
 2 COUNTY OF MONTGOMERY) SS: CERTIFICATE
 3 I, Stacey L. Kimmel, a Notary Public
 4 within and for the State of Ohio, duly
 5 commissioned and qualified,
 6 DO HEREBY CERTIFY that the above-named
 7 hearing was reduced to writing by me
 8 stenographically in the presence of the parties
 9 and thereafter reduced to typewriting.
 10 I FURTHER CERTIFY that I am not a relative
 11 or attorney of either party nor in any manner
 12 interested in the event of this action.
 13 IN WITNESS WHEREOF, I have hereunto set my
 14 hand and seal of office at Dayton, Ohio, on this
 15 17th day of June, 2024.
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Stacey Kimmel

 STACEY L. KIMMEL
 NOTARY PUBLIC, STATE OF OHIO
 My commission expires 6-10-2026

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